

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMALL S. BAKER,

Plaintiff,

v.

SERGEANT HOPKINS et al.,

Defendants.

CASE NO. 2:21-cv-00361-MJP-JRC

ORDER

This is a civil rights action under 42 U.S.C. § 1983. Plaintiff paid the \$402 filing fee. The represented defendants filed a notice stating that defendant Kathryn Grey no longer works for the Washington State Department of Corrections (“DOC”) and, therefore, was not served. Dkt. 31 at 1.

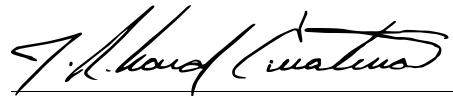
“Federal Rule of Civil Procedure 4 [] permit[s] the Court to ‘order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.’” *Frerks v. Wolf*, No. C19-978 RSM, 2020 WL 1467339, at *1 (W.D. Wash. Mar. 26, 2020) (quoting Fed. R. Civ. P. 4(c)(3)). “That Rule requires assistance for a plaintiff proceeding *in*

1 *forma pauperis* ('IFP') or as a seaman, but otherwise leaves the consideration to the discretion of
2 the courts." *Id.* Likewise, Local Rule 4(c) provides that, "[u]pon order of this court . . . the
3 United States Marshals Service shall make service of civil process on behalf of a private
4 litigant." However, in this District, marshals do not attempt personal service upon a defendant
5 unless mail service is unavailing. *See* Local Rule 4(c).

6 Here, plaintiff is incarcerated and has identified defendant Grey by full name.
7 Furthermore, defendant Grey no longer works for the DOC. Thus, plaintiff has shown good
8 cause for the Court assist with service of process. If defendants file defendant Grey's last known
9 home or business address with the Court **under seal**, the Court may attempt to serve process
10 while protecting the privacy of this information. *See Sellers v. United States*, 902 F.2d 598, 602
11 (7th Cir. 1990).

12 Accordingly, the Court ORDERS defendants to make all reasonable efforts to obtain
13 defendant Grey's last known home and/or business address and **file under seal** said address(es)
14 by September 7, 2021. Defendant Grey may also satisfy this Order by filing a waiver and by
15 having counsel enter a notice of appearance on her behalf. All service documents with said
16 address(es) shall also be **filed under seal**.

17 Dated this 23rd day of August, 2021.

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20 J. Richard Creatura
21 Chief United States Magistrate Judge
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